

David P. Stich, Esq.
Federal Bar No. DPS-9096
SOLOMON PEARL BLUM HEYMANN & STICH LLP
40 Wall Street, 35th Floor
New York, New York 10005

*Attorneys for Certain Underwriters
at Lloyd's, London*

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

RAILROAD INSURANCE UNDERWRITERS,)

Plaintiff,)

v.)

CERTAIN UNDERWRITERS AT LLOYD'S,)
LONDON, EXCESS INSURANCE)
COMPANY LIMITED and HARPER)
INSURANCE LIMITED,)

Defendants.)

Civil Action No. 07-cv-3071 (LLS) (RLE)

Hon. Louis L. Stanton, U.S.D.J.

**NOTICE OF JOINDER BY CERTAIN
UNDERWRITERS AT LLOYD'S,
LONDON IN MOTION OF EXCESS
INSURANCE COMPANY LIMITED AND
HARPER INSURANCE COMPANY
LIMITED FOR AN ORDER
DISMISSING THE LITIGATION AND
COMPELLING ARBITRATION**

[Electronically Filed on April 23, 2007]

PLEASE TAKE NOTICE that Certain Underwriters at Lloyd's, London, by and through their attorneys, Solomon Pearl Blum Heymann & Stich LLP, upon the annexed Certification of David P. Stich dated April 20, 2007, and upon all prior pleadings and proceedings had herein, hereby join in the motion of Excess Insurance Company Limited ("Excess") and Harper Insurance Limited ("Harper") pursuant to 9 U.S.C. §§ 3, 4 and 206 for an Order dismissing the captioned action and compelling plaintiff Railroad Insurance Underwriters to proceed to arbitration of its claims against defendants herein.

PLEASE TAKE FURTHER NOTICE that Certain Underwriters at Lloyd's, London join in the request by Excess and Harper for oral argument if timely opposition to this motion is received.

Dated: April 23, 2007

By: 

David P. Stich, Esq. (DPS-9096)
SOLOMON PEARL BLUM HEYMANN
& STICH LLP

*Attorneys for Certain Underwriters
at Lloyd's, London*

TO: Allan J. Sorkowitz, Esq.
SIDLEY AUSTIN LLP
787 Seventh Avenue
New York, NY 10019

Attorneys for Plaintiff Railroad Insurance Underwriters

Bruce R. Grace, Esq.
BAACH ROBINSON & LEWIS PLLC
1201 F Street, N.W., Suite 500
Washington, D.C. 20004
(202) 833-8900

Attorneys for Certain Underwriters at Lloyd's, London

-- and --

Brian E. O'Donnell, Esq.
RIKER, DANZIG, SCHERER, HYLAND & PERRETTI LLP
500 Fifth Avenue, Suite 4920
New York, NY 10110
(212) 302-6574

*Attorneys for Excess Insurance Company Limited
and Harper Insurance Limited*

David P. Stich, Esq.
Federal Bar No. DPS-9096
SOLOMON PEARL BLUM HEYMANN & STICH LLP
40 Wall Street, 35th Floor
New York, New York 10005

*Attorneys for Certain Underwriters
at Lloyd's, London*

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

RAILROAD INSURANCE UNDERWRITERS,)

Plaintiff,)

v.)

CERTAIN UNDERWRITERS AT LLOYD'S,)
LONDON, EXCESS INSURANCE)
COMPANY LIMITED and HARPER)
INSURANCE LIMITED,)

Defendants.)

Civil Action No. 07-cv-3071 (LLS) (RLE)

Hon. Louis L. Stanton, U.S.D.J.

**AFFIDAVIT OF
DAVID P. STICH**

[Electronically Filed on April 23, 2007]

DAVID P. STICH, being duly sworn, hereby deposes and says:

1. I am an attorney at law admitted to practice in this Court, and am a partner in Solomon Pearl Blum Heymann & Stich LLP, attorneys for Certain Underwriters at Lloyd's, London ("Certain Underwriters") in the captioned matter.

2. I submit this Certification in support of the Joinder by Certain Underwriters in the motion by Excess Insurance Company Limited and Harper Insurance Company Limited for an Order Dismissing the Litigation and Compelling Arbitration (the "Motion").

3. Certain Underwriters join in the Motion of Excess Insurance Company Limited and Harper Insurance Company Limited for an Order Dismissing the Litigation and Compelling Arbitration.

4. Certain Underwriters are parties to the Quota Share Treaty that is attached as Exhibit A to the Certification of Brian E. O'Donnell dated April 19, 2007 (the "O'Donnell Cert.").

5. Certain Underwriters were served with a copy of the Summons and Complaint that is attached as Exhibit B to O'Donnell Cert.

6. Attached as Exhibit A hereto is a copy of a letter dated March 2, 2007 confirming RIU's consent to Certain Underwriters' request for an extension to appear, move, or answer with respect to the Complaint.

7. For all of the reasons stated in the Motion, Certain Underwriters hereby requests that the Motion be granted.


DAVID P. STICH (DPS #9096)

Sworn to before me this
23rd day of April, 2007


Notary Public

Jill H. Teitel
Notary Public, State of New York
Registration #02TE5069470
Qualified in Kings County
My Commission Expires Nov. 25, 2010

EXHIBIT A

MAR-02-2007 16:04

MENDES & MOUNT LLP 27FL

1 212 261 8760 P.02

MENDES & MOUNT, LLP

750 SEVENTH AVENUE
NEW YORK, NY 10019-6829
TELEPHONE: (212) 261-8000
FACSIMILE: (212) 261-8760

LOS ANGELES OFFICE
445 SOUTH FIGUEROA STREET
THIRTY-EIGHTH FLOOR
LOS ANGELES, CA 90017-1501
TELEPHONE: (213) 955-7700
FACSIMILE: (213) 955-7725

NEW JERSEY OFFICE
ONE NEWARK CENTER
NEWARK, NJ 07102-6269
TELEPHONE: (973) 839-7300
FACSIMILE: (973) 839-7360

DIRECT DIAL: (212) 261-8019

MARCH 2, 2007

VIA FACSIMILE

Alan J. Sorkowitz, Esq.
Sidley Austin LLP
787 Seventh Avenue
New York, NY 10019

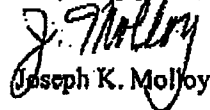
**RE: Railroad Insurance Underwriters v.
Certain Underwriters at Lloyd's, et al.
Supreme Court, New York County
Index No. 600576/07**

Dear Mr. Sorkowitz:

I refer to our phone conversation today and our request for an extension of time to appear, move or answer with respect to the Complaint, made on behalf of Certain Underwriters at Lloyd's and Excess Insurance Company Limited. This will confirm your agreement that these defendants have until April 16, 2007 to appear, move or answer.

Thank you for your courtesy. Kindly sign below and fax this letter back.

Very truly yours,


Joseph K. Molloy

EXTENSION CONFIRMED:
Sidley Austin, LLP

By: 
Alan J. Sorkowitz

TOTAL P.02

TOTAL P.02

David P. Stich, Esq.
 Federal Bar No. DPS-9096
 SOLOMON PEARL BLUM HEYMANN & STICH LLP
 40 Wall Street, 35th Floor
 New York, New York 10005

*Attorneys for Certain Underwriters
 at Lloyd's, London*

**UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF NEW YORK**

RAILROAD INSURANCE UNDERWRITERS,)	
)	
Plaintiff,)	Civil Action No. 07-cv-3071 (LLS) (RLE)
)	
v.)	Hon. Louis L. Stanton, U.S.D.J.
)	
CERTAIN UNDERWRITERS AT LLOYD'S,)	
LONDON, EXCESS INSURANCE)	
COMPANY LIMITED and HARPER)	
INSURANCE LIMITED,)	
)	
Defendants.)	
)	

**AFFIDAVIT OF
 SERVICE**

STATE OF NEW YORK)
) ss.:
 COUNTY OF NEW YORK)

YESENIA E. ZEA, being duly sworn, hereby deposes and says:

1. I am over eighteen years of age, not a party to this action and reside in Queens, New York.

2. On April 23, 2007, I served copies of the annexed NOTICE OF JOINDER BY CERTAIN UNDERWRITERS AT LLOYD'S LONDON IN MOTION OF EXCESS INSURANCE COMPANY LIMITED AND HARPER INSURANCE COMPANY LIMITED FOR AN ORDER DISMISSING THE LITIGATION AND COMPELLING ARBITRATION

and AFFIDAVIT OF DAVID P. STICH, by depositing the same, enclosed in a securely sealed first class postage paid envelope, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York addressed to:

TO: Allan J. Sorkowitz, Esq.
SIDLEY AUSTIN LLP
787 Seventh Avenue
New York, NY 10019

Attorneys for Plaintiff Railroad Insurance Underwriters

Bruce R. Grace, Esq.
BAACH ROBINSON & LEWIS PLLC
1201 F Street, N.W., Suite 500
Washington, D.C. 20004
(202) 833-8900

Attorneys for Certain Underwriters at Lloyd's, London

-- and --

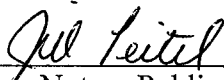
Brian E. O'Donnell, Esq.
RIKER, DANZIG, SCHERER, HYLAND & PERRETTI LLP
500 Fifth Avenue, Suite 4920
New York, NY 10110
(212) 302-6574

*Attorneys for Excess Insurance Company Limited
and Harper Insurance Limited*



YESENIA E. ZEA

Sworn to before me this
23rd day of April, 2007



Notary Public

Jill H. Teitel
Notary Public, State of New York
Registration #02TE5069470
Qualified in Kings County
My Commission Expires Nov. 25, 2010